



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

216

**CRM-M No.43654 of 2025 (O&M)
Date of Decision: 19.08.2025**

Seema and another

.....Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Umesh Aggarwal, Advocate for the petitioners.

Mr. Rohit Bansal, Sr. DAG Punjab.

SURYA PARTAP SINGH, J. (Oral):

1. Notice of motion.
2. Mr. Rohit Bansal, Sr. DAG Punjab, appears on behalf of respondent-State and waives service.
3. Learned State Counsel has filed custody certificates of both the petitioners. The same be taken on record.
4. This petition has been filed by two petitioners, who are facing trial for the commission of offence punishable under Sections 21, 27(a), 29 and 61 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter being referred to as “the Act”).
5. Briefly stated the facts pertaining to the present case, as emerging from the contents of FIR are that on 18.06.2025 when a police party headed by Sub Inspector Naresh Kumar was performing patrolling duty at Charsta Bridge near village Jania, it is spotted a person coming from opposite direction on foot. As per prosecution story when the above said person noticed a police



party he hastily turned back and tried to sneak away. It is the case of the prosecution that on the basis of suspicion he was apprehended and on search of his person was conducted, in accordance with law, he was found in possession of 20 grams of heroin. The prosecution has further alleged that on recovery of abovementioned heroin the FIR was lodged and the abovesaid person namely Balwinder Singh was interrogated who disclosed that he used to purchase drugs from Hardev Singh @ Choru and petitioner No.1 Seema. According to prosecution in view of above, the petitioner No.1-Seema was arrested but on interrogation she stated that she herself and her mother Babli (petitioner No.2) used to purchase drugs from Sukhwinder Kaur. As per prosecution in view of above, the petitioner were arrested and they are in custody since 28.06.2025.

6. Heard.

7. It has been argued by learned counsel for the petitioners that no contraband was recovered from the possession of petitioners and that they have been simply implicated on the nomination by co-accused in his disclosure statement. According to learned counsel for the petitioners the disclosure statement suffered by the co-accused, namely Balwinder Singh, cannot be read into evidence against the petitioners, as the abovementioned statement was recorded by the police when Balwinder Singh was already in police custody.

8. In addition to above, it has also been argued by learned counsel for the petitioners that nothing is left to be recovered from the possession of accused and that they have already suffered sufficient incarceration. It has also been argued by learned counsel for the petitioners that otherwise also the recovery of contraband from the possession of co-accused Balwinder Singh (20 grams of heroin) marginally above the maximum limit of small quantity



i.e. 5 grams only, and a friction of lowest bench mark of commercial quantity i.e. 250 grams. On the abovementioned grounds learned counsel for the petitioners has sought benefit of bail for the petitioners.

9. The learned State counsel while confirming the plea with regard to custody period of the petitioners has opposed this petition on the ground that there is credible evidence against the petitioner for being involved in the activities of sale and purchase of heroin, and that the custody period they have undergone does not amount to long incarceration. In view of the gravity of offence the learned State counsel has prayed for dismissal of instant bail application.

10. The record has been perused carefully.

11. A perusal of record shows that for the decision of present petition for bail, following are the relevant factors which need consideration: -

1. that at the time of recovery the petitioners were neither present on the spot, nor they were accompanying the main accused just before the recovery.
2. that nothing has been recovered from the possession of petitioners;
3. that nothing is left to be recovered from the possession of the accused;
4. that both the petitioners are females and, therefore, deserves lenient view;
5. that they have been implicated merely on the basis of disclosure statement suffered by their co-accused;
6. that the disclosure statement of co-accused was recorded when he was in custody of police and thus Section 25 of Indian Evidence Act is attracted in this case;
7. that the investigation and trial are not likely to be concluded in near future;
8. that as per custody certificate the petitioners have clean antecedents



and no other case is pending against them.

12. If the cumulative effect of all the above mentioned factors, involved in the instant case, is taken into consideration, the petitioners are entitled for the benefit of bail.

13. Accordingly, the present petition is hereby allowed and the petitioners are admitted to bail subject to their furnishing bail bonds to the satisfaction of trial Court. In case, the concerned Court is not available, the learned Sessions Judge would be at liberty to assign the abovesaid case, for the abovesaid purpose, to any other Court.

14. It is, however, made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(SURYA PARTAP SINGH)
JUDGE

19.08.2025
Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No